Honorable Franklin D. Burgess

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

REALNETWORKS, INC., a Washington corporation, Plaintiff, v. MLB ADVANCED MEDIA, L.P., a Delaware limited partnership, Defendants.	Case No. CV04-0511FDB **PLAINTIFF REALNETWORKS, INC.'S INITIAL DISCLOSURES UNDER FEDERAL RULE OF CIVIL PROCEDURE 26(a)**

Plaintiff RealNetworks, Inc. makes the following initial disclosures pursuant to Rule 26(a). These disclosures are not intended, and should not be construed, as a waiver of any objection to the production, use, or admission into evidence of any document or information that RealNetworks may be legally entitled to assert during the discovery or trial of this action. In addition, RealNetworks expressly reserves the right to identify additional individuals and/or documents as investigation and discovery are ongoing.

A. Individuals.

The following persons are likely to have discoverable knowledge relevant to this lawsuit:

Bob Bowman
President & Chief Executive Officer
MLB Advanced Media, L.P.
75 Ninth Avenue
New York, NY 10011
(212) 485-3452

SUMMIT LAW GROUP PLLC
315 FIFTH AVENUE SOUTH, SUITE 1000
SEATTLE, WASHINGTON 98104-2682
telephone (206) 676-7000
fax (206) 676-7001

Dockets.Justia.com

Mr. Bowman may have knowledge regarding the parties' negotiations and contract terms, and MLBAM's breach.

Greg Chiemingo
Senior Director, Strategic Projects
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Mr. Chiemingo may have knowledge regarding press releases drafted and/or finalized regarding the parties' relationship.

Joe Choti
MLB Advanced Media, L.P.
75 Ninth Avenue
New York, NY 10011
(212) 485-3452

Mr. Choti may have knowledge regarding the parties' transition of service providers, negotiations and contract terms, and MLBAM's breach.

Matthew Deichman
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Mr. Deichman may have knowledge regarding the parties' transition of service providers and the parties' negotiations and contract terms.

Jim Gallagher
MLB Advanced Media, L.P.
75 Ninth Avenue
New York, NY 10011
(212) 485-3452

Mr. Gallagher may have knowledge regarding press releases drafted and/or finalized regarding the parties' relationship.

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Rob Glaser
Chief Executive Officer
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Mr. Glaser may have knowledge regarding the parties' negotiations and contract terms, and the harm caused to RealNetworks caused by MLBAM's breach.

Stephen M. Grimes
General Manager of Sports
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Mr. Grimes may have knowledge regarding the parties' transition of service providers, the parties' negotiations and contract terms, RealPlayer functionality, and the harm to RealNetworks caused by MLBAM's breach.

Peter Gruman
General Manager of Business Development – Sports
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Mr. Gruman may have knowledge regarding the parties' transition of service providers, the parties' negotiations and contract terms, and the harm to RealNetworks caused by MLBAM's breach.

Ken Isaacson
MLB Advanced Media, L.P.
75 Ninth Avenue
New York, NY 10011
(212) 485-3452

Mr. Isaacson may have knowledge regarding the parties' transition of service providers.

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Lawrence Jacobson
Former President
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Mr. Jacobson may have knowledge regarding the parties' transition of service providers, the parties' negotiations and contract terms, and the harm to RealNetworks caused by MLBAM's breach.

George Kliavkoff
Senior V.P. of Business Development
MLB Advanced Media, L.P.
75 Ninth Avenue
New York, NY 10011
(212) 485-3452

Mr. Kliavkoff may have knowledge regarding the parties' negotiation and contract terms and MLBAM's breach.

Edward Mahlum
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Mr. Mahlum may have knowledge regarding the parties' transition of service providers.

Michael Sapherstein
Legal Counsel
MLB Advanced Media, LP
75 Ninth Avenue
New York, NY 10011
(212) 485-3452

Mr. Sapherstein may have knowledge regarding the parties' negotiations and contract terms and MLBAM's breach.

Erika Shaffer
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Ms. Shaffer may have knowledge regarding press releases drafted and/or finalized regarding the parties' relationship.

Erin Stoble
Product Manager Sports Partnership
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Ms. Stoble may have knowledge regarding the parties' transition of service providers.

Patrick Walker
Director, International Programming
RealNetworks, Ltd.
32 Brook Street
London W1K 5DL
UK
Phone: *44 20 7290 1200

Mr. Walker may have knowledge regarding RealNetworks' Japanese web site.

Michael Wiley
Program Manager
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Mr. Wiley may have knowledge regarding RealNetworks' web pages.

Richard Wolpert
Chief Strategy Officer
RealNetworks, Inc.
2601 Elliott Avenue
Seattle, Washington 98121
(206) 674-2700

Mr. Wolpert may have knowledge regarding the parties' negotiations and contract terms and the harm to RealNetworks caused by MLBAM's breach.

B. Documents.

RealNetworks will produce, in accordance with procedures under Rule 34, the documents within the following categories:

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1. Correspondence regarding the parties' negotiations of promotional rights agreements, streaming media service agreements, internet media service agreements, and draft and final press releases.

2. Draft and final press releases regarding the parties' relationships.

3. Internet screenshots from mlb.com regarding MLB Gameday Audio and MLB.TV.

4. Internet screenshots from mlb.com regarding message boards related to MLB Gameday Audio and MLB.TV.

5. Contracts and addendums (draft and final) between the parties regarding promotional rights agreements, streaming media service agreements, and internet media service agreements.

6. Internet screenshots from RealNetworks websites regarding promotions and services offered.

C. Computation of Damages.

RealNetworks is not able to compute its damages until it has conducted discovery.

D. Insurance Agreements.

RealNetworks has not, at present, identified any insurance agreements applicable to this action.

Although RealNetworks has made a good faith effort to comply with the requirements of Rule 26(a), it reserves the right to supplement this disclosure as additional information and materials become available and it further reserves the right to utilize any witnesses and/or

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documents identified by the defendant in its disclosures.

DATED this 25th day of June, 2004.

Respectfully submitted,

SUMMIT LAW GROUP PLLC

/s/ Lynn M. Engel

Ralph H. Palumbo, WSBA # 04751
Lynn M. Engel, WSBA # 21934
Denise L. Ashbaugh, WSBA # 28512

Attorneys for RealNetworks, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of June, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Laurene E. Somerville, James L. Magee, G. Michael Halfenger and Mary K. Braza, attorneys for Defendant MLB Advanced Media LP.

/s/ Lynn M. Engel

Ralph H. Palumbo, WSBA # 04751
Lynn M. Engel, WSBA # 21934
Denise L. Ashbaugh, WSBA #28512
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